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SUPPLEMENT 5a TO ATTACHMENT 2.6-A
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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Maryland

METHODS FOR TREATMENT OF RESOURCES FOR INDIVIDUALS
WITH INCOMES RELATED TO FEDERAL POVERTY LEVELS

(Do not complete if you are electing more liberal methods under the authority of section 1902(r)(2) of the Act instead of the authority specific to Federal poverty levels. Use Supplement 8b for section 1902(r)(2) methods.)

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: MarylandMETHODOLOGIES FOR TREATMENT OF INCOME AND RESOURCES
THAT DIFFER FROM THOSE OF THE SSI PROGRAM AS COVERED BY THE
MEDICAID MORATORIUM PROVISIONS OF SECTION 237(c) OF PUBLIC LAW
98-369 AND SECTION 1902(a)(10)(C)(i)(III)
OF THE SOCIAL SECURITY ACT

Policy Effective May 1, 1983 - Incorporated in the Maryland Medical Assistance Eligibility Manual as Eligibility Bulletin No. 2-83, dated August 2, 1983.

Policy: Evaluation of Jointly Held Resources

Applicability: Individuals described in 1902(a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), (a)(10)(A)(ii), (a)(10)(C)(i)(III), or (f) or under section 1905(p).

Presumption of Pro Rata Share of Jointly Held Resources

An applicant/recipient who is aged, blind, or disabled and who owns and has access to a resource is presumed to have a pro rata share of the jointly held resource. The presumption may be rebutted by the applicant/recipient. Rebut means to contradict, refute, or oppose in a formal manner by argument or proof.

When there is property, including property which is leased by the applicant either singularly or jointly, the applicant's share of the fair market value of the property is considered an available resource.

In all situations where resources are involved, the client's equity must be established; joint ownership status must not be assumed. Documentation is required for all resources. Jointly owned real property is verified by the deed.

Jointly owned bank accounts are verified by the passbook. The number of owners is determined by the number of persons with withdrawal rights, which is not necessarily the same as the number of owners. In situations where joint ownership is legitimate, the passbook would read "Joint Ownership, Subject to the Order of either (or names stated)". Single ownership would read "Joint Owners, Subject to the Sole Order of John Doe." Resources can be prorated only when there is documentation that persons other than spouses living together were owners for a period of 24 months prior to application for Medical Assistance. Resources of spouses living together cannot be prorated.

Spousal Considerations of Jointly Owned Accounts

Resources of spouses living together are considered to be jointly owned and available to each other whether or not the account is in both names.

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: MarylandSpousal Considerations of Rebuttal

When spouses separate due to institutionalization and there is a joint account, situations may arise wherein a spouse wishes to rebut the presumption of pro rata share.

In addition to the criteria to be considered under "evidence considered for rebuttal", the following additional criteria are to be considered:

1. The current usage and original purpose of the account;
2. Whether or not the money has always been considered as "their" account or the account of one or the other;
3. Whether the person contributed money to the account.

When the separated spouses' needs have been met from the account when they were living together, the separated spouse is still presumed to retain his/her pro rata share.

Decision Based on Submitted Evidence

It, after careful analysis and consideration of the evidence and any other information that an applicant/recipient has presented, the LDSS is convinced that the presumption of ownership has been successfully rebutted, the applicant/recipient's allegations are accepted. For example, an applicant/recipient is one of two owners of an account but alleges that only one-fourth of the funds in the account are his. If he successfully rebuts the Local Department's presumption that his pro rata share is one-half of the funds, the LDSS will consider the one-fourth share as belonging to the applicant/recipient.

If the LDSS is not convinced that the presumption of ownership has been rebutted, the presumption of ownership based on the applicant/recipients pro rata share will prevail.